IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22278 of 2004

Between:

P. Peeraiah, S/o. Gangaiah,
Sangareddy Bus Depot, Medak District.

..... PETITIONER

AND

The Depot Manager, APSRTC, Sangareddy Bus Depot, Medak District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondent in suspending the petitioner as bad, arbitrary, unjust, unreasonable by setting aside the suspension order No. P3/114(6)/2004-SRD dt. 11.10.2004 and consequently direct the respondent to allow the petitioner into service.

Counsel for the Petitioner:MR.P.VENKATESWAR RAO

Counsel for the Respondent : MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court made the following :

The Hon'ble Sri Justice

K.C. Bhanu

W.P. No. 22278 of 2004

O R D E R:

The present petition is filed challenging the suspension order of the petitioner dated 11.10.2004 under Order No.P3/114(6)/2004-SRD.

Learned counsel for the petitioner contended that the student himself gave a statement in the preliminary enquiry stating that he corrected the bus pass ticket and therefore it is not a case of correction by the writ petitioner so as to call for suspension. Therefore, he prays to set aside the order of suspension.

On the other hand, learned counsel for the respondent contended that it is only a suspension order pending enquiry and therefore there are no grounds to set aside the same.

Learned counsel for the petitioner placed reliance on a judgment of this court in W.P.20917 of 2004 dated 16.11.2004. The petitioner was placed under suspension on the ground that he issued Rs.55/- denomination to the bus pass punch card in the place of Rs.75/- for SRD to Kadiri and accounted in the way bill and therefore the conductor failed to collect correct fare and issue correct student bus pass and issued less ticket worth of Rs.20/-, which is a serious misconduct.

The contention of the learned counsel for the petitioner is that since the student gave a preliminary statement that he corrected the amount as mentioned in the bus pass punch card, the suspension order has to be set aside. Whether the student has corrected the amount in the bus pass or the conductor corrected the same, has to be required to be gone into at the time of departmental enquiry. Since serious allegations are levelled against the petitioner concerning financial irregularities, the order of suspension does not suffer from any legal infirmities so as to call for interference. Normally this court will not interfere with the order of suspension pending enquiry unless the jurisdiction of the authority is under challenge. It is

not a case where the jurisdiction of the authority who issued the order of suspension is under challenge.

In view of the above, the writ petition is disposed of with a direction to the respondent to complete the enquiry within a period of three months from the date of receipt of a copy of this order.

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K.C. Bhanu, J.

Date: 02—12—2004.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Depot Manager, APSRTC, Sangareddy Bus Depot, Medak District.

2.2CD copies.